



International Certification Services
Homologation; Certification; Testing; Consulting
for
Telecom; Wireless; Networking Equipment

Office Of The Secretary
Federal Communications Commission
Washington, DC 20554

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Comments In Support of FCC General Docket 98-68

Regarding:

Par 11 We fully support the concept of streamlining processes that currently devour critical weeks in a product's life cycle. Rapid changes in technology have created a marketplace so anticipatory of change that life cycles are now measured in months (and sometimes weeks) as opposed to years. Any government agency that not only understands the time critical nature of the approvals process but moves itself out of the way of advancement, must be thunderously applauded.

While it is vital to our economic well-being for manufacturers to have access to the market, it is equally important that the FCC fulfill its mandated role of ensuring the public welfare and preventing harmful interference. As Commissioner Ness pointed out in her statement regarding ET Docket No. 97-94 "Out responsibility to prevent harmful interference can only be fulfilled if we are prepared to follow through with credible enforcement." We believe that statement to be even more relevant in light of the proposed changes.

Par 12 We support the use of ISO Guide 65, as written, as the basis for qualification of TCBs. It is imperative that the accrediting body and ISO Guide 65 be acceptable to our MRA partners throughout the world. Please keep in mind that the majority of, tax paying, independent test labs (and potential TCBs) are small businesses. It serves the interests of neither the manufacturing community nor the government to put them out of business by making the cost of doing business affordable only to the conglomerates.

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Par 13 We agree with the Commission; a TCB must have experience and expertise in the particular area for which they seek accreditation. That does not mean that the TCB must have the facility in which the tests are to be performed. As you indicate in Par 17 (f) subcontracting is viable. We believe that any lab at which testing is performed must be accredited to ISO Guide 25. We would also suggest that it is the responsibility of the TCB to verify that the test lab has the appropriate documented test procedures, and NIST traceable calibrated test equipment prior to causing the testing to be performed or accepting the data.

Par 14 As previously stipulated, we concur that the use of ISO Guide 65 provides a solid basis for the designation of TCBs. The use of the NIST NVCASE model is certainly acceptable. We would strongly urge NIST to actively solicit additional accreditors to Guide 65 under the NVCASE program. While the cost of accreditation is certainly a factor for consideration, we must also consider the same factors that have driven the FCC's streamlining process - TIMELINESS. Accrediting organizations such as ANSI or the Standards Council of Canada are already conducting Guide 65 audits. Perhaps even A2LA would be interested in becoming accredited to ISO Guide 61 so that they might provide Guide 65 auditing services. Please, either urge NIST to add accreditors to the NVCASE program or designate additional sources directly.

Par 15 If accreditation to Guide 65 forms the basis of the FCC's decision to designate a TCB, then it seems reasonable that subsequent failure of such an audit would form the basis for the revocation of the designation. There must however be a published process and an appeals venue put in place. TCBs must be provided a clear set of guidelines to follow. This is a new process for everyone concerned and as with all things new, a certain degree of tweaking or adjustments to the process must take place. As has been the case with NVLAP and A2LA, it will fall to the accrediting body to guide the TCB to the proper methods rather than simply denying or revoking accreditation.

Par 17 (j) As part of what must occur, a rededication on the part of the FCC to enforcement, we believe that the Commission should require manufacturers to submit a Certificate of Continuing Compliance, on all products still in manufacture, every six months. The appropriate electronic update of the FCC database by the TCB should also be required.

Par 19 The FCC might consider the formation of a Stakeholder committee with representation from industry, accreditors, potential TCBs, and the Commission. The purpose of the committee should be that of facilitation and education. Perhaps ACIL could act as Secretariat for the committee.

Par 20 We **strongly disagree** with the Commission's plans to "...certify equipment for the foreseeable future..." The Commission should gradually remove itself from the certification business during the proposed 24 month transition period. If the Commission remains directly involved in certifying equipment because "...an approval issued by the US Government may seem more legitimate to potential customers than one issued by another party..." the program can never be successful. The Commission **MUST** make it very clear to all concerned that certification of equipment by a designated TCB carries the same weight as certification by the FCC.

If there are no TCB's for a certain equipment type, then without question, the FCC should certify the equipment. Wherever a TCB exists, the **FCC must remove itself as a certification body.**

If the US Government is going to compete with the Private Sector, we have a problem; for example, the proposed requirements for a TCB in the new Section 2.960 include (f) (2) surveillance activities. Only equipment certified by a TCB falls under the scope of 2.960 (f) (2), whereas equipment certified by the FCC has no such requirement. This situation would provide for unfair government competition. The Commission's role must be that of overseer, not competitor.

There are already documented abuses of the Commission's Declaration of Conformity procedure. For the Commission to successfully streamline processes and govern "the interference potential of equipment..." with the limited resources that it has, certain realistic concessions must be made. The FCC can no longer do it all, and in a timely manner. Therefore, it is a wise move to designate Certification Bodies - let the TCBs do the certification. The accreditors should be required to reaudit TCBs on an annual basis and report to NIST/NVCASE - let them do their jobs. The Commission must focus its' resources on enforcement and post-market surveillance of equipment that has not gone through the certification process. The Commission can then adequately monitor its processes and their implementation.

Par 22 If the EU Directives that are now included in the scope of the MRA are adhered to, then certification bodies in the US must provide the same services as current Bodies Notified under the Telco Directive including, under certain circumstances, product sample testing, product certification and quality system recognition. Since Certification Bodies, or Conformity Assessment Bodies designated under the Telco Sectoral Text of the MRA, will be involved in the aforementioned activities to varying degrees and in a variety of combinations, oversight must be either by the FCC or NIST.

In order to eliminate confusion in terminology, we would suggest that the FCC rename the Pt.68 Registration process the Pt.68 Certification process.

Par 23 &24 We agree that the same designation process be followed for Pt. 68 Certification Bodies. We believe that if the Pt.68 process is modified to follow the same essential procedures as the new Certification process, less confusion will entail.

Appendix B The assessment of the impact of the proposed rulemaking on Small Businesses does not indicate that any study of the impact on small independent test labs took place. As previously mentioned, most of the tax paying independent test facilities in the US are also small businesses. It is important that their ability to avail themselves of the new opportunities not be overlooked or minimized. We realize that the cost of entry into the new World testing concept will not be small, but it is incumbent upon the FCC to make certain that audits and accreditations performed for the purpose of designating TCBs also be acceptable to the other countries with whom we have or are negotiating MRAs.

Respectfully submitted,

International Certification Services

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